

International Class: 035

## U.S. Patent &amp; TMOfc/TM Mail Rcpt Dt. #3:

undersigned Counsel for Registrant granted the three separate extensions totaling 36 additional days to respond, believing such requests were made in good faith. Despite granting over 36 days additional days to respond, Registrant received the Motion for Summary Judgment and a Motion to Stay Discovery instead of receiving the responses to discovery. To date, over 53 days have passed since the discovery was initially due.

Without the benefit of such discovery responses, Registrant's hands are tied in responding to the issues raised in the Motion for Summary Judgment. Forcing Registrant to respond without the benefit of the promised discovery would severely prejudice Registrant in this matter. As such, Registrant seeks a Denial of the Motion to Stay, an Order Compelling the outstanding discovery and an Enlargement of Time to Respond to the Motion for Summary Judgment of 30 days after production of the discovery due from Petitioner.

## **II. HISTORY OF REGISTRANT'S DISCOVERY REQUESTS AND EXTENSIONS GRANTED.**

1. On January 17, 2006, Registrant served his First Request for Production of Documents on Petitioner, a copy of which is attached hereto as *Exhibit A*. These requests sought discovery critical to the establishment of Respondent's Affirmative Defenses as well as the defense against Petitioner's allegations. Petitioner's response to the Request for Production was due 35 days later on February 21, 2006.

2. On January 20, 2006, Registrant served a set of Interrogatories on Petitioner, a copy of which is attached hereto as *Exhibit B*. Similarly, these interrogatory requests sought information critical to the establishment of Respondent's Affirmative Defenses as well as the defense against Petitioner's allegations. Petitioner's response to the Interrogatories was due 35 days later on February 24, 2006.

3. On February 20, 2006, counsel for Petitioner called the undersigned counsel and requested a one week extension of time to respond to the Interrogatories and Requests for Production. The undersigned counsel granted the requested one week extension making the responses for the Requests for Production due on February 28, 2006 and the Interrogatories due on March 2, 2006 respectively. A copy of a confirming email from counsel for the Petitioner is attached hereto as *Exhibit C*.

4. On February 28, 2006, Petitioner moved this court for a second extension of time to respond to the discovery requests. Petitioner requested two additional weeks to respond. As a basis of this extension, counsel for Petitioner represented to this court that "Petitioner has been unable to gather all of the information being requested by Respondent..." (See Petitioner's *Motion for Extension of Time to Respond to Discovery* dated February 28, 2006). Further, counsel represented in her motion that the extension was sought in "good faith and not for the purposes of delay." *Id.* Based upon such representations, counsel for Registrant consented to the extension. A copy of counsels email consenting is attached hereto as *Exhibit D*.

5. As a result of this second extension of time, the responses to the Requests for Production and Interrogatories became due on March 14, 2006 and March 16, 2006 respectively.

6. On March 2, 2006, Petitioner moved for a third extension of time to respond to the January discovery requests. As counsel reiterated in this third request that the documents were being gathered and the extension was sought in "good faith and not for the purposes of delay", counsel for Registrant consented to the 15 day extension. (See Petitioner's *Motion Upon Consent for Extension of Time to Respond to Discovery Requests*, dated March 2, 2006).

7. As a result of this third extension of time, the responses to the Requests for Production and Interrogatories became due on March 29, 2006 became due on March 31, 2006 respectively.

8. However, on March 16, 2006 Petitioner filed its Motion for Summary Judgment as well as its Motion to Stay. In the Motion to Stay, Petitioner requests that the TTAB stay the pending discovery due as “[r]equiring responses to outstanding discovery requests would be a waste of resources because if the instant motion for summary judgment is granted, the responses will be moot.” (See Petitioner’s *Motion for Summary Judgment and Motion to Stay*, dated March 16, 2006).

9. Over 53 days have passed since the initial due dates on the discovery requests to Petitioner. Of those 53 days, only 36 days were legitimate extensions.

10. Petitioner has not provided any responses to the discovery requests, nor has Petitioner filed any objections to the discovery requests.

11. Prior to the filing of Petitioner’s Motion for Summary Judgment, counsel for Registrant had provided a date in March for which Registrant agreed to appear for deposition in Miami, Florida. This date was contingent upon Petitioner producing Mr. Etienne de Roys for deposition on a date shortly thereafter. Counsel for Petitioner promised that date would be forthcoming. Registrant was served with a Motion for Summary Judgment and Motion to Stay instead. Petitioner’s motion contains a sworn declaration by Mr. Etienne de Roys which now cannot be questioned or challenged by examination or the declarant.

### III. SUMMARY OF THE FACTS OF THE CASE.<sup>1</sup>

This is an action to cancel two registrations (KARIN and KARIN MODELS) currently held by Registrant Jean Luc Brunel. The Petitioner alleges that the registrations were wrongfully assigned to Registrant in January of 2004. Petitioner's allegations against Registrant are based upon a are based the allegation that Petitioner received a previous assignment of the two marks in 1996 and as such, title could not be assigned again in 2004. In support of its allegations, Petitioner attached copies of the purported 1996 assignments to the Petition to Cancel. These purported 1996 assignments to Petitioner form the basis of the pending Motion for Summary Judgment.

In his Answer and Affirmative Defenses to Petitioner's Allegations, Registrant denied the allegations of a prior assignment in 1996 of the marks and raised *six* affirmative defenses. Registrant's affirmative defenses raise challenges to the validity and authenticity of the purported 1997 assignment to Petitioner.<sup>2</sup> If the alleged 1996 assignments are found to lack authenticity or are invalid for any reason, Petitioner has no standing to bring this cancellation proceeding.

Specifically, Registrant asserts that any purported assignment in 1996 to Petitioner was invalid or void (Affirmative Defense No.1); that the marks subject to this action are incontestable (Affirmative Defense No.2); that Petitioner has abandoned and or waived any rights that Petitioner may have had in such marks (Affirmative Defense No.3); any purported assignment in

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<sup>1</sup> This brief summary is intended to provide the necessary background for consideration of the Motion to Stay, Motion to Compel Discovery and the Motion for Enlargement of Time. A comprehensive Statement of Facts will be provided in the Opposition to Motion for Summary Judgment once the discovery is complete.

<sup>2</sup> It should be noted that Petitioner's Summary Judgment does not address *any* of Registrant's six Affirmative Defenses. While this will be addressed more fully in Registrant's Response to the Motion for Summary Judgment, it should be noted that this it is a fatal flaw in Petitioner's Motion which on its own, requires denial. *RB&W Manufacturing, LLC v. Buford*, 2004 U.S. Dist. Lexis 22512 (N.D. Ill. 2004) (Registrant need only point to affirmative defenses in Answer and point out that issues were not addressed in Motion in order for Summary Judgment to be denied).

1997 was the subject of self dealing by Mr. Etienne de Roys (Affirmative Defense No.4); that Petitioner is estopped from contesting Registrant's ownership as principal of Petitioner was aware of the assignment to Registrant and said nothing (Affirmative Defense No.5); and Petitioner's actions are barred by the doctrine of unclean hands as Petitioner was aware of the assignment of the marks to Petitioner and allowed the 2004 assignment to occur without mentioning any prior 1997 assignment (Affirmative Defense No.6).

Registrant vigorously denies the validity of the alleged 1996 assignments, specifically because no documentation existed of such assignments within the company, including no corporate minutes, resolutions or corporate authority to transfer such valuable property. Registrant took his assignment of the marks in January of 2004. Curiously, the *first* time Registrant or Jeff Fuller, president of the company assigning the marks to Registrant in 2004, had ever heard of any alleged 1996 assignment to Petitioner was in the filing of this cancellation proceeding. As such, the validity and authenticity of the 1996 assignments are in question. The 1996 Assignments' authenticity and validity are questions which Registrant is entitled to receive discovery from Petitioner. These are clearly material questions that remain unaddressed by Petitioner in its Motion.

Lastly, it should be noted that the ultimate question in this matter is a determination of who exactly has clear title and ownership of the Karin and Karin Model marks. This matter is really an action to quiet title brought under the guise of a cancellation proceeding. The answer to the materially disputed issue of ownership and title of the marks must be determined first and foremost. As such, the discovery sought by Registrant to establish its ownership and title is crucial to the outcome of this matter.

### III. ARGUMENT

#### A. *Registrant is Entitled Complete Discovery Before Responding to the Motion for Summary Judgment and is Unduly Prejudiced Without the Benefit of Such.*

To say that Registrant is unduly prejudiced by not having the benefit of Petitioner's responses to the requested discovery is an understatement. Registrants' requests are reasonably tailored to discover admissible evidence as which would establish its affirmative defenses and denials in this matter.

For example, in its Motion for Summary Judgment, Petitioner asserts that after the alleged 1996 assignment of the Karin and Karin Models marks from Models Management Group, Inc. (MMG) to Petitioner, Petitioner turned around and licensed the marks back to MMG. (See Petitioner's *Motion for Summary Judgment P.3*). Since Petitioner has alleged that a license agreement existed since 1996, Petitioner should have some documentation that reflects invoices and payments under the license agreement. Request number 10 of Registrant's Request for Production seeks:

A true and correct copy of any document you could use to show your receipt of payments from Models Management Group, Inc., for the use of the trademarks described in your Petitioner after December, 1996.

Other requests seek correspondence between Petitioner and MMG which would capture any invoices issued to MMG under the purported license agreement (See RFP Nos. 12, 13, 14). The existence of any such documentation, or more pointedly, the *lack* of existence of any such documentation would have material impact on the issues in this matter. It certainly points to the possibility of disputed issues of material fact. The additional pending discovery Registrant seeks to develop his defenses, includes documents concerning Mr. Etienne de Roys' correspondence concerning the marks; documentation of any meetings of meetings discussing the marks; a copy

of Mr. Etienne de Roys' schedule; and the means by which Petitioner learned of the use of the disputed marks by Registrant.

Petitioner has gone to great lengths to avoid providing responses to Registrant's discovery requests, including requesting extensions under false pretenses to buy time to file the Motions to Stay and Summary Judgment. Reading Petitioner's efforts at resistance in conjunction with the fact that in its Motion, Petitioner did *not* attach any invoices or receipts associated with the alleged 1996 licensing agreement, certainly indicates that no such documentation exists. Certainly Petitioner would have included such favorable evidence in its Motion. However, until Petitioner is required to respond, Registrant will never know what documentation exists. Such a gap in discovery does not allow Registrant the opportunity to fully formulate his defenses to this action.

In addition to the written discovery requests, counsel for Registrant believed in good faith that an agreement had been reached between the parties to mutually appear for oral deposition in Florida. Registrant made it clear that he wished to take the deposition of Mr. Etienne de Roys, who is the shareholder of Petitioner and was instrumental in the alleged 1996 assignments. As previously stated, Registrant offered to come to Miami to sit for an oral deposition on March 15, 2006. However this date and offer was conditioned upon receiving a date from Petitioner that was within a few days of the Registrant's deposition. Petitioner demanded to take Registrant's deposition first, which was not an issue. However, no reciprocal date was ever provided for Mr. Etienne de Roys' deposition. Instead, Registrant received the declaration of Etienne de Roys in the Motion for Summary Judgment and the Motion to Stay Discovery. Registrant's offer to appear for deposition in Miami, Florida was voluntary. Neither Petitioner nor Registrant are residents of the United States and as such, oral depositions must be taken in their place of



residence, which in this particular situation is France. Registrant wishes to take the oral deposition of Etienne de Roys. This is even more important now that he has filed a declaration in this action. Since the agreement between counsel for depositions in Miami, Florida was not reduced to writing and is not enforceable, Registrant is prepared to take the deposition in Petitioner's place of residence in France. Registrant is entitled to take Petitioner's oral testimony and should be subject to the requested Stay of Discovery.

A Court may deny or postpone ruling on a motion for summary judgment to allow discovery to continue. Rule 56, Federal Rules of Civil Procedure; *Tara Steinbeck v. Credigy Receivables, Inc.*, 2006 U.S. Dist. LEXIS 13463 (E. Ky. 2006); *Frazier v. Layne Christensen Company*, 380 F. Supp. 2d 989 (W.Wi. 2005). Registrant cannot file a complete response to the Motion for Summary Judgment until discovery is completed as he needs documents and information in the possession of Petitioner.

As such, Registrant prays that the TTAB deny the Petitioner's Motion to Stay Discovery. Additionally, Registrant respectfully request that the TTAB deny Petitioner' Motion for Summary Judgment, or in the alternative, provide Registrant with an enlargement of time within which to respond to the Motion for Summary Judgment 30 days after the conclusion of discovery.

**B. *Petitioner Should be Compelled to Provide Answers to Interrogatories and Documents Responsive to the Request for Production so that Registrant may Develop his Defenses.***

Petitioner's answers to the Interrogatories and Requests for Production were initially due over 53 days ago. Petitioner requested and received three enlargements of time from Registrant by representing that such requests were made in "good faith and not for the purposes of delay." Specifically Petitioner represented to the TTAB and to undersigned counsel that the enlargements were necessary as it had been "unable to gather all of the information being

requested by Respondent..." (See Petitioner's *Motion for Extension of Time to Respond to Discovery* dated February 28, 2006). However, it is now evident that the three enlargements of time were specifically for the purpose of delay. Petitioner should not be allowed to reap the benefits of such tactics. The Courts and this Board expect parties to cooperate in conducting discovery. It is an egregious violation of that cooperation for a party to seek an extension of time to produce discovery for the purpose of delaying that discovery until it can file a Motion for a Stay.

It should also be noted that the third extension of time to respond to the discovery requests ran out on March 29 and 31, respectively. Petitioner has not filed any objections to the discovery and as such, all objections have been waived.

Registrant respectfully requests that Petitioner be ordered to produce, without any further delay, the substantive responses to Registrant's Requests for Production and Interrogatories which are overdue. Additionally, Registrant seeks an enlargement of time to complete discovery.

#### IV. CONCLUSION

A threshold issue in this matter is a question of whether Petitioner or Registrant owns clear title to the subject marks. Registrant's hands are tied without the benefit of responses to its discovery on these issues. As such, Registrant seeks the following relief from the TTAB:

- I. An Order Denying the Motion to Stay Discovery and Extending the Discovery Period so that Petitioner may Complete its Discovery;
- II. An Order Compelling Petitioner's Substantive Responses to the Overdue Requests for Production and Interrogatories; and

II. An Order either Denying the Motion for Summary Judgment as Premature or in the alternative an Order granting Enlargement of Time of 30 days after the conclusion of discovery for Registrant to Respond to the Motion for Summary Judgment.

Respectfully submitted,

**KOZLOWSKI LAW FIRM**  
A Professional Association  
Attorneys for Registrant  
The Sterling Building  
927 Lincoln Road, Suite 118  
Miami Beach, Florida 33139  
Tel: (305) 673-8988  
Fax: (305) 673-8668

By: 

**STEVEN ROBERT KOZLOWSKI**  
Fla. Bar No. 0087890

**CERTIFICATE OF MAILING/ DEPOSIT**

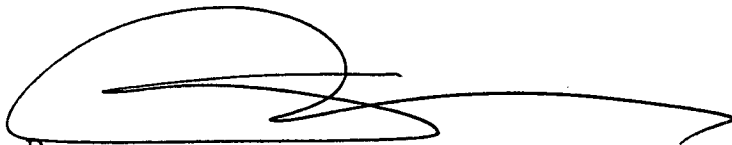
I HEREBY CERTIFY that Registrant's Response to Motion for Stay, Motion to Compel Discovery and Motion to Extend Time to Respond to Motion for Summary Judgment is being deposited with the United States Postal Service with sufficient pre-paid postage in an enveloped addressed to: Commissioner for Trademarks, Trademark Appeal and Trial Board, P.O. Box 1451, Alexandria, VA 22313-1451 this 17 day of April, 2006.

By: 

**STEVEN ROBERT KOZLOWSKI**  
Fla. Bar No. 0087890

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Response to Motion for Stat, Motion to Compel Discovery and Motion to Extend Time to Respond to Motion for Summary Judgment was served on Steven E. Eisenberg, Esq., and Erica W. Stump, Esq., Attorneys for Petitioner, Feldman Gale, P.A., 201 South Biscayne Boulevard, Miami Center-Suite 1920, Miami, FL 33131 by U.S. Mail this 17 day of April, 2006.

A handwritten signature in black ink, appearing to read 'STEVEN ROBERT KOZLOWSKI', written over a horizontal line.

By:

**STEVEN ROBERT KOZLOWSKI**  
Fla. Bar No. 0087890

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KARIN MODELS,  
S.A.R.L.

Petitioner,

v.

BRUNEL, JEAN LUC

Registrant.

Cancellation No: 92044040

Registration Nos: 2114051 & 2115957

Marks: KARIN (words only)

KARIN MODELS (and design)

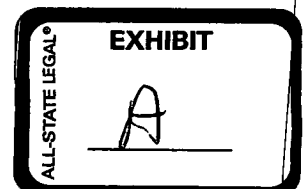
International Class: 035

**REQUEST FOR PRODUCTION OF DOCUMENTS**

Registrant, JEAN LUC BRUNEL, by and through its undersigned counsel, hereby propound the following requests for production of documents and other tangible items to Petitioner, KARIN MODELS S.A.R.L. pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. §2,120, to be responded to in writing and produced within thirty (30) days from the date of service.

**DEFINITIONS AND INSTRUCTIONS**

A. The term "documents" as used in this request means any writing and any other tangible thing, whether printed, recorded, reproduced by any process, or written or produced by hand, including, but not limited to, the original and any non-identical copy (which is different from the original because of notations on such copy or otherwise) of letters, reports, agreements, contracts (including drafts, proposals, and all exhibits thereto), communications, correspondence, telegrams, teletype messages, memoranda, internal corporate memoranda, summaries, tape recordings, recordings or records of personal conversations, diaries, forecasts, calendars, brochures, photographs, models, statistical statements, graphs, notebooks, charts, tabulations, computations, plans, drawings, brochures, pamphlets, advertisements, circulars, trade letters, press releases, invoices, financial statements, purchase orders, receipts, and checks. The term "document" includes any data stored, maintained, published or organized electronically or magnetically through computer equipment, translated, if necessary, by you into reasonably usable form. The term "document" also includes any summaries of any document defined above. The term "document" shall also have the meaning prescribed in Rule 34(a) of the Federal Rules of Civil Procedure.



B. The terms "reflecting," "discussing," "showing," and "referring to," mean relating to, evidencing, regarding, pertaining to, consisting of, indicating, concerning or in any way logically or factually connected with the matter discussed.

C. The terms "person," "people," and "entity" refer to natural and fictitious persons including, without limitation, corporations, partnerships, joint ventures, associations, sole proprietorships or other organizations or businesses.

D. The terms "you" and "yours" mean Petitioner KARIN MODELS, S.A.R.L..

E. The singular shall include the plural and vice versa; the terms "and" or "or" shall be both conjunctive and disjunctive; and the term "including" means "including without limitation."

F. Unless otherwise indicated, the time period covered by each request is from 1996 until the present, with an ongoing duty to supplement responses.

G. All requests seek all responsive documents that are in defendant's possession custody and/or control, or upon which they rely or have relied.

H. You are under a continuous obligation to supplement your answers to these document requests under the circumstances specified in Rule 26(e) of the Federal Rules of Civil Procedure.

#### **INSTRUCTION REGARDING ASSERTIONS OF PRIVILEGE**

If any document or tangible item requested is withheld from production on account of privilege, you must provide the following information as required by Rule 26.1.G.6(b)(ii)(A) of the Local Rules for the United States District Court for the Southern District of Florida:

- (1) the nature of the privilege claimed (including work product);
- (2) if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- (3) the date of the document;
- (4) the document's type (correspondence, memorandum, facsimile, etc.) custodian, location, and such other information sufficient to identify the document, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;

### DOCUMENTS REQUESTED

1. A true and correct copy of all correspondence between you and Jean Luc Brunel relating to the trademarks described in your Petition.
2. A true and correct copy of all correspondence between you and Etienne des Roys relating to the trademarks described in your Petition.
3. A true and correct copy of your stock ledger.
4. A true and correct copy of your corporate minutes of any meeting at which the trademarks described in your Petition were discussed.
5. A true and correct copy of your corporate minutes of any meeting at which the claims of Jean Luc Brunel against you were discussed.
6. A true and correct copy of all correspondence between you and Jean Luc Brunel referring to Brunel's claims against you.
7. A true and correct copy of all correspondence between you and Etienne des Roys relating to Brunel's claims against you.
8. A true and correct copy of any settlement agreements between you and Jean Luc Brunel.
9. A true and correct copy of any specimen you could use to show that you used the marks described in your Petition in commerce after December, 1996.
10. A true and correct copy of any document you could use to show your receipt of payments from Models Management Group, Inc. for the use of the trademarks described in your Petition after December, 1996.
11. A true and correct copy of any document which would tend to show that the license agreement between you and Models Management Group, Inc. was ever terminated.
12. A true and correct copy of all correspondence between you and Models Management Group, Inc.
13. A true and correct copy of all correspondence between you and Jeffrey Fuller.
14. A true and correct copy of all documents related to the adoption and use of the trademarks described in your Petition, including any correspondence with and memoranda between you and any consultant, design firm, advertising agency, advertising media, suppliers and printers.
15. A true and correct copy of all search and investigation reports prepared by or for you concerning the trademarks described in your Petition.

16. A true and correct copy of any correspondence between you and any person relating to any alleged or suspected infringements of the trademarks described in your Petition.
17. A true and correct copy of any schedule or calendar maintained by you relating to Etienne des Roys.
18. A true and correct copy of any correspondence received by you from Jeff Fuller.
19. A true and correct copy of any documents referring to Etienne des Roys created in 1997 or 1997.
20. A true and correct copy of any document by which you received notice of the use of the trademarks described in your Petition by Brunel.

Respectfully submitted

**KOZLOWSKI LAW FIRM**  
A Professional Association  
Attorneys for Plaintiff  
The Sterling Building  
927 Lincoln Road, Suite 118  
Miami Beach, Florida 33139  
Tel: (305) 673-8988  
Fax: (305) 673-8668

By: 

**STEVEN ROBERT KOZLOWSKI**  
Fla. Bar No. 0087890

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Request for Production of Documents was served on Steven E. Eisenberg, Esq., and Erica W. Stump, Esq., Attorneys for Petitioner, Feldman Gale, P.A., 201 South Biscayne Boulevard, Miami Center-Suite 1920, Miami, FL 33131 by U.S. Mail this 17<sup>th</sup> day of January, 2006.

By: 

**STEVEN ROBERT KOZLOWSKI**  
Fla. Bar No. 0087890



KARIN MODELS,  
S.A.R.L.

V.

Registrant.

Cancellation No: 92044040  
Registration Nos: 2114051 & 2115957  
Marks: KARIN (words only)  
KARIN MODELS (and design)  
International Class: 035

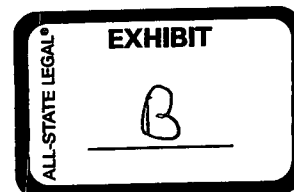
Registrant, JEAN LUC BRUNEL., by and through undersigned counsel, hereby propounds the attached interrogatories to Petitioner, KARIN MODELS, S.A.R.L., to be answered in writing, under oath, within your knowledge or the knowledge of your agents, servants, employees or attorneys, on or before 30 days from the date of service hereof in accordance with Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. §2,120.

Respectfully submitted

**KOZLOWSKI LAW FIRM**  
A Professional Association  
Attorneys for Plaintiff  
The Sterling Building  
927 Lincoln Road, Suite 118  
Miami Beach, Florida 33139  
Tel: (305) 673-8988  
Fax: (305) 673-8668

By:

**STEVEN ROBERT KOZLOWSKI**  
Fla. Bar No. 0087890



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Notice of Serving Interrogatories together with two sets of Interrogatories was served on Steven E. Eisenberg, Esq., and Erica W. Stump, Esq., Attorneys for Petitioner, Feldman Gale, P.A., 201 South Biscayne Boulevard, Miami Center-Suite 1920, Miami, FL 33131 by U.S. Mail this 20<sup>th</sup> day of January, 2006.

By: 

**STEVEN ROBERT KOZLOWSKI**  
Fla. Bar No. 0087890

### INTERROGATORIES

1. What is the name and address of the person answering these interrogatories, and, if applicable, the person's official position or relationship with the party to whom the interrogatories are directed?

2. List the names and addresses of all persons who are believed or known by you, your agents or attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge

3. Have you ever heard or do you know about any statement or remark made on behalf of any party to this law suit, other than yourself, concerning any issue in this law suit? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place and substance of each statement.

4. State the name and address of every person known to you, your agents or attorneys who has knowledge about, or possession, custody or control of any document or other item pertaining to any fact or issue involved in this controversy; and describe as to each, what such person has, the name and address of the person who prepared it, and the date it was prepared.

5. Please state if you have ever been a party, either plaintiff or defendant, in any court or administrative action, civil or criminal, other than the present matter, and if so, state whether you were plaintiff or defendant, the nature of the action, the date and court or agency in which such matter was filed, and the disposition of the matter.

6. Please state if Etienne des Roys has ever been a party, either plaintiff or defendant, in any court or administrative action, civil or criminal, other than the present matter, and if so, state whether he was plaintiff or defendant, the nature of the action, the date and court or agency in which such matter was filed, and the disposition of the matter.

7. Identify any expert witnesses who you intend to call in any trial of this matter and set forth as to each such expert: a) the area in which you will seek to have him designated as an expert; b) his qualifications as an expert in that area; c) his conclusions as an expert; and d) the facts or opinions upon which the expert has relied to reach that conclusion.

8. Please provide a chart of all your officers, directors, and shareholders from 1995 to the present.

9. Please describe all procedures you have used since December, 1996 to monitor the use of the trademarks described in your complaint.

10. Please provide an accounting of all monies paid to you pursuant to the Service Mark License Agreement attached as Exhibit D to your amended petition in this action.

11. Please describe the circumstances by which you contend you became aware of the assignment of the trademarks described in your amended petition to Registrant.

12. Please describe the offices and positions held by Etienne des Roys in you since 1996 and describe his duties in each position.



13. If you used the trademarks described in your petition in commerce during the time period from December 1996 through the filing of your petition, please state how the marks were used and the time periods during which the marks were used in each way described.

I have read the foregoing answers to Interrogatories and so swear that they are true and correct to the best of my knowledge and belief.

Karin Models, S.A.R.L.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Title or position

STATE OF )

SS:

COUNTY OF )

**BEFORE ME** the undersigned authority, personally appeared \_\_\_\_\_  
\_\_\_\_\_, known to me or who did produce \_\_\_\_\_  
\_\_\_\_\_ as identification, who swears and deposes that he/she has read the foregoing  
Answers to Interrogatories and that the same are true and correct to the best of his/her knowledge  
and belief.

**SWORN TO** and subscribed before me this \_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

**Steven R. Kozlowski**

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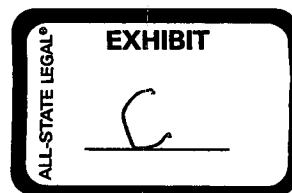
**From:** Erica Stump [estump@FeldmanGale.com]  
**Sent:** Tuesday, February 21, 2006 8:54 AM  
**To:** Steven R. Kozlowski  
**Subject:** Discovery

Steven:

Thank you for the one week extensions to respond to the discoery.

Erica W. Stump, Esq.  
Feldman Gale, P.A.

4/15/2006



**Steven R. Kozlowski**

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**From:** Erica Stump [estump@FeldmanGale.com]  
**Sent:** Sunday, February 26, 2006 5:18 PM  
**To:** Steven R. Kozlowski  
**Cc:** Steven E. Eisenberg; Maribel Elias  
**Subject:** KARIN discovery responses

Steven:

Could I get an additional two week extension to respond to the outstanding discovery (the responses to the Request for Production are currently due on 2/28 and the responses to the interrogatories are currently due 3/2)?

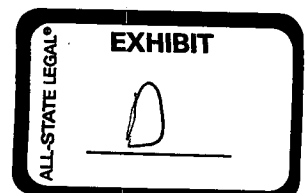
Thanks.

Erica W. Stump, Esq.  
Intellectual Property Law  
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201 South Biscayne Boulevard, Suite 1920  
Miami, FL 33131  
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4/15/2006



April 17, 2006

Commissioner for Trademarks  
Trademark Appeal and Trial Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

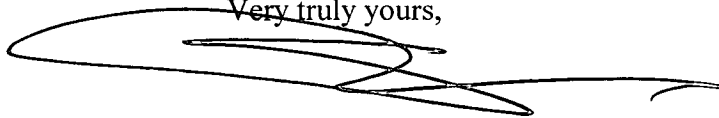
**Re: *Karin Models, S.A.R.L. v. Brunel***  
***Cancellation No: 92044040***

Dear Clerk for the Board:

Enclosed please find Respondent's Response to Motion to Stay with Incorporated Motion to Compel Discovery and Motion for Enlargement of Time to Respond to Summary Judgment for filing in the above referenced case.

Thank you for your attention to this matter. Please feel free to call this office if you have any questions or concerns.

Very truly yours,



Steven Robert Kozlowski  
Kozlowski Law Firm, P.A.